

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio

April 5, 2018

CALL TO ORDER 7:00 P.M

PRESENT: Chairman Christopher Smith, Vice Chairman John Lillich,
Mayor Robert Weger, Councilman David Fiebig and Michael Kline.

NOT PRESENT: Jonathan Irvine

ALSO PRESENT: City Engineer Pietro DiFranco, BZA Representative Frank Cihula
and Clerk Katherine Lloyd

MOTION: John Lillich moved to excuse Jonathon Irvine from tonight's proceedings.
Seconded by Mayor Robert Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

Correspondence:

- Email dated 3/12/18 from Asst. City Engineer Trepal RE: New House at 29121 Chardon Rd.
- Email dated 3/12/18 from City Engineer DiFranco RE: House in Floodway at 37630 Milann Dr.
- Email dated 3/15/18 from City Engineer DiFranco RE: Preliminary Approval for Similar Use of a Plasma Donation Center at 28301 Chardon Rd
- Email dated 3/21/18 from City Engineer DiFranco RE: Time Extension – 28895 W. Miller Rd.
- Email dated 3/22/18 from Jesse Styles of Strategis RE: Time Extension – 28895 W. Miller Rd.
- Email dated 3/27/18 from City Engineer DiFranco RE: Preliminary Approval of Change of Use and Building Addition

Disposition of Minutes **March 1, 2018**

MOTION: John Lillich moved to accept the Minutes of March 1, 2018 as presented
Seconded by Councilman Fiebig.
Voice Vote: 4 Ayes and 1 Abstention (Smith).
Motion Passes: 4/0.

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:02 P.M.

1.) Tony Miller, 2857 Hayes Drive

I am addressing the Preliminary Review of the Similar Use for the CSL Plasma Center. I am concerned that Councilman Fiebig at the last Council meeting started this discussion off in a negative tone. Stating that, essentially, he was against it. I have tried to contact him this week to ask what his

concerns are so I could do some study. I got no response from him. I did some research online. An ABC report stated that 90% of the people that donate plasma are people that are low income trying to make ends meet and pay their bills and get extra money for birthday gifts. I understand that, of the 10% there are those that may not be desirable. They may use the money for other things, like alcohol or whatever you might want to think. I think a plasma center would essentially be a good thing for this City. The Loehmann's plaza would be a good place for it. I think it should get some hard consideration for a place that needs businesses. It will be good for the City, the payroll and the people who donate.

(Smith) He did not read the Agenda at the beginning of Public Portion. At this time he read out the items on the Agenda for Architectural Board of Review and then the items for Planning Commission. People who have comments on any of the items for Architectural Board of Review should come on up.

2.) Laura Pizmoht, 2711 Dodd Rd.

I live right by where the new house is scheduled to go in. I heard from several residents in the neighborhood. Most of them were concerned particularly about the amount of trees that will be removed from the property. Many of the residents have lived here a long time. That lot has never been developed. It is pristine land on the river with beautiful trees. I think some plan to replant trees would help with their concerns. They are also concerned that the person building the house understands the problems that have occurred in the area. There have been some very significant floods. They want to sure he understands the risk based on what they have done to comply with the Code.

3.) Ray Somich, 2941 Legend Lane

The Fitness Center wants to come in to our community. This is exactly the type of business that we do need at that plaza. It will bring hundreds of people to that facility every day of the week. It will help that immediate area and the surrounding businesses and gas stations. It is a positive, outstanding business for a community. There have been some delays getting it through. I urge this Board to help facilitate it so we can get that business open. The other businesses want it to come because they are trying to stay in business themselves.

Public Portion closed at 7:02 P.M

1.) JM Acquisitions, LLC

John Stempihar

29121 Chardon Rd. – New House - PPN: 31-A-008-E-00-019-0

Plans received in Building Department 2/6/18

Plans stamped reviewed by City Engineer 3/9/18

Present: Mary and John Stempihar, 30341 Meadowbrook, Willoughby Hills.

Owner/Representative Comments:

- Samples were shown. Colors are listed on the print: Siding is natural clay. Stone for the front of the ranch. Brickwork color shown. Heather color roof.
- Windows style and color indicated in the brochure

City Engineer's Comments (DiFranco):

None

Board Comments:

(Lillich) They generally have everything we are looking for. We ask you to trim out the windows 360 degrees around the house the same as the front. The print for the rear left side (north elevation) does not show the trim. It only shows the brick mold.

(Smith) Stone needs to be kept in balance. You did a wonderful job of putting the stone all around the house below the water table, using vinyl siding and then shake on the top. Thank you for an appropriate design.

(Fiebig) I echo that. You did a great job. It will fit the neighborhood. The colors requested are on the drawing. The clerk has that. Did you get the Lake County Soil & Water Conservation District approval letter? *Yes. Do you need a copy?*

(DiFranco) Yes, we need a copy.

(Fiebig) I think it is a nice design.

(Cihula) According to the county auditor that house was built in 1872. It is 146 years old. It may be the second oldest house in Willoughby Hills. What condition is it in on the inside? *It is very bad. The ceilings and roof are dropping. Basement has water coming in. Electrical is in bad shape. The roof line is bad. The siding is coming off.* Is there any potential for saving it? *The basement is 4 ½ to 5 ft. high. There is a step ladder down into the basement.* It is a very shallow basement? *Yes.*

As chairman of the Willoughby Hill Historical Society, I hate to see our century homes go away if there is potential for saving it.

MOTION: John Lillich moved to approve the plans for the New House at 29121 Chardon Rd. with the condition that the windows will be trimmed out similar to the front of the house 360 degrees around the house
Seconded by Councilman Fiebig.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

2.) Phoenix Cooke

Ken Janik

37630 Milann. – New House in a Floodway - PPN: 31-A-009-A-00-028-0

Plans received in Building Department 12/7/17

Plans reviewed by City Engineer 3/12/18

Present: Joe Meyers (Architect),

Dave Novak (Barrington Consulting, Civil Engineer and Surveyor),

Mike Mennos (Hydrosphere Engineering– Hydraulic Analysis)

Zak Hill (fiancé of Phoenix Cooke)

Owner/Representative Comments:

This house is in the Floodway. There are several houses recently built in that neighborhood with the first floor of the house up above flood elevation. In this case, it is just about the right height so a full story could be at the grade with the two stories of the house above it. This is not unusual for the neighborhood to have a house with the first floor being masonry down at the first level fully above the grade like this. There are other houses built on either side of it; one house is above the grade as well.

The garage is on the entry level with stories above it. There is stone trim on the first floor. Wicker color siding, weathered shingles

City Engineer's Comments (DiFranco):

None

Board Comments:

(Lillich) Your project is on the Agenda in two different portions. I will try to have my questions in the right portion. I understand that you own the lot next to the proposed house. *Yes.* Is there any reason you have not combined those two lots? *We do not intend to. We intend to keep them separate.* What is your plan? *Potential construction on the other lot.*

I live on this street and I have been on this Board for 40 years. Community standard today is one acre. These lots were subdivided when this was a township. You are 'grandfathered in'. Of the houses built in the last 40 years on the street, three of flood plain houses you are looking at were houses before. 20 years ago they were flooded 3 times in 1 year. Federal Insurance people offered them guaranteed low interest loan if they would tear them down and re-build to flood plain standards. They did and it was good for the community. 3 of the 4 are on previously sized lots but they had been built as summer cottages the early 1930's. Since then people have combined lots when building on the street to bring it up to the 1-acre community standard. You don't have to do that but your neighbors will look favorably on it. The community would look favorably if you brought it up to the community standards. This community standard has been reaffirmed by the voters 4 or 5 times since 1948. If you would consider that, I think it would be a short-term and long-term benefit to you. It will reduce your property taxes because it is no longer a buildable lot. It will preserve your property value.

Because it is a sensitive area, I want to be sure we do it right if we can. I was Advisor for State of Ohio, Department of Natural Resources on the Chagrin for many years. Today we are looking at water quality in Lake Erie and the quality of the stream itself. The more homes you concentrate, the more runoff you will have that does not treat the stream or the lake favorably.

I have no objections to the house but if you would give it some strong consideration about combining the lots, the community locally and the community at large would be appreciative.

(Hill) I would be happy to discuss it with my fiancé.

(Smith) Getting back to Architectural Board of Review, it is a beautiful house and a beautiful design, especially the challenges that this type of project brings with it. As far as design, you have met all of our standards. The windows are trimmed. The stone is wrapped. It is done very skillfully and artfully.

(Lillich) For the platform where the septic tank will be located, I see no design or detail on what it will look like or anything in the plans or anything on the materials. It is behind our house and just a little behind the neighbor's house. Besides being in the flood zone, the biggest problem this lot has is ice. There are pictures of 10 feet of ice sitting on the road in front of the house. The structure will have to withstand ice floes. When building a house, trees do have to come down but I suggest that should be minimized because trees in the flood zone do help protect buildings when the ice floes come along.

The intention is to not take down any tree unless it is necessary because of the construction.

I will need to see what that platform will look like. *Yes, we are still working with the septic people as far as the tank itself. The idea is on a platform with the same type of siding so that the tank itself is enclosed with access through the top of it to access it.*

The newest home built in the flood plain is Mr. Cappiletti's house. He mounted his tank in the rear of the house hung underneath the deck. The piers that this will set on will stand up to ice. The septic platform should not be built on anything less sturdy when it comes to ice. *Agreed. They have done quite a bit of research.*

(Fiebig) Regarding the trees and the comment we heard earlier, I saw trees that were marked. Are the trees marked on the plans already existing? *I believe they are existing trees. We will keep some. We are more than willing to discuss replanting as well. We have no concerns there.* As a Board, do we need to have them indicate that?

(DiFranco) I also received feedback from the neighbor to the south concerned about the trees and screening. I did speak with Phoenix by phone. She could not be here because she is traveling. She made a letter of authorization for her fiancé to represent her. She said she is more than happy to replant the trees along that side. *I think the house to the south is the greenish raised one. If you are looking at the property, it is the house to the left. As far as I know, we do not intend to touch that row of pine trees. We intend to keep that separation. We want to do a little as possible to the trees. It preserves the nature and beauty of the land.* It looks like you have isolated your disturbance off very well. The house will be nice as a finished product. Obviously you are taking the feedback of the community into play there. *We want to be welcome.*

(Lillich) I live on Milann. My name is on the mailbox. If you have any questions, feel free to stop in any time. I am also the person who manages the Nature Preserve across the river.

(Fiebig) I did not see the requirements of flood plain development permit application checked off yet.

(DiFranco) It is called a Flood Plain Development Permit.

It is not officially finalized until the house is built. The architect and the engineer must certify that it was built according to plan. That is when it checked off. They have done the studies and have conformed with all the codes. We will talk a little bit more about Flood Plain in Planning Commission.

(Smith) Are there any further architectural questions?

MOTION: John Lillich moved to architecturally approve the plans for the New House in a Floodway at 37630 Milann with the condition that the Board still needs to approve the septic platform design.

Seconded by Councilman Fiebig.

Additional Discussion:

(DiFranco) Does that mean they come back to this Board? *Yes.* So this is a Preliminary Approval. *Yes.*

(Hill) Does that mean they will not be able to start the house or anything until the septic platform design is approved? *Yes.*

Voice Vote: Ayes Unanimous.

Motion Passes: 5/0.

3.) J Scott Scheel

Bill Griffith

27543 Chardon Rd. – New Steel Building - PPN: 31-A-008-A-00-017-0

Plans received in Building Department 3/15/18

Plans reviewed by City Engineer 3/27/18

Chairman Smith recused himself from this review and will not be voting because his architect is designing the building. The Gavel was passed to Vice Chairman Lillich.

Present: Bill Griffith (Project Manager) and Bob Orbitz (TDA thendesignarchitecture)

Owner/Representative Comments:

- We plan to put a small addition on the back of the building formerly known as Office Max in the Shoppes of Willoughby Hills. We were asked to do parking counts. I believe we have satisfied Mr. DiFranco. There is a tremendous amount of parking here.
- We have a national tenant that would like to have a nice full service gym here. They want a basketball court which needs lots of height. After studies of the other buildings, the decision was

made to put an addition on the back of the building, 7,000 sq. ft. metal building. It is for the basketball court.

- We have gone over the code requirements with Mr. DiFranco for an enclosed trash enclosure. There are dumpsters throughout the back of the property. We will upgrade that so this gymnasium will have an enclosure on the back of the property.
- View of the back shown. There will be landscaping by the old truck dock area. Location of the new addition shown.
- The exterior is a pre-engineered metal building. They are using Fox Gray steel manufactured by Olympic Steel. The color matches the building formerly known as Sam's Club.
- It is a utilitarian building with egress doors but no windows. The gray does step slightly in the back about 1 ½ to 2 feet. That exposed foundation will be painted with acrylic paint. It will match the various colors of gray and off-white in the back.
- There was one requirement about screening the roof top units. That may be a new part of your code. There are 12 existing roof tops up on that very tall building.
- Looking at photographs of the front of the building from varying distances all the way to the end of the parking lot, the roof top units cannot be seen. We would like permission not to put a bunch of holes in the existing roof and metal screens around them. If this was new shipping center, it would make a difference. The units are set back pretty far from the front already. (Lillich) They set them back because we asked them to. Will the patrons be entering from the front?
- The patrons will enter from the front. The doors in the back are for emergency egress. They may have some employee parking back there. Parking stripes are back there.
- We will have utilitarian type of LED shielded lights in the back so the light is not directed out. There is one apartment building in the back at a distance. [Picture shown]
- There will be aerobics, a nice size lap pool, day care, lots of free weights and a 4-lane straight track.

City Engineer's Comments (DiFranco):

None

Board Comments:

(Fiebig) The idea behind the screening was so you did not have a monstrosity right at the front taking away from the design of the building I don't think we need to revise our code completely to eliminate it. I would be in favor of making an exception, given the proximity to the existing other structures. I assume there will be roof top units on the new building? *It will have 2 units.* They will probably be in the middle.

MOTION: Councilman Fiebig moved to approve the plans for the New Steel Building at 27543 Chardon Rd. with the exception to not require 5.01 roof top screening.
Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 4/0.

Vice Chairman Lillich passed the Gavel back to Chairman Smith for the rest of the meeting.

PLANNING COMMISSION

Public Portion opened at 7:39 P.M.

1.) Jenna Bing, 36951 Beech Hills

I am not fond of plasma. I give blood all the time. It is for people who need quick money. This is not the character of what I want in Willoughby Hills. We have some specific things we regulate in our Charter. I do not know how to argue this away because it is not mentioned in the Charter. That begs the question that there are some semi-unsavory businesses that are not covered in our Charter that maybe there is a way to more globally cover the nature of the type of business we want, like a fitness center. That would be helpful. I looked on the map and can understand why they would want to be in this general area because you have to go close to Painesville or over to Buckeye-116th St.-Shaker area before you can get to a plasma center. I wonder if they have looked at other communities around here that might be more accommodating to them or might have more of a draw. I cannot imagine there would be many of our village residents that would be people going to that business. It is not necessarily the type of people I would want to attract to Willoughby Hills *per se*. It is not like bringing in a restaurant or a nice bar where you want to attract people from all over different communities in here. I don't know how to argue this except to say I don't think this in the character of Willoughby Hills and the Willoughby Hills people that live here and what we want to have being here. So if that is the question of where it is on how much that's going to hurt the other businesses that are there like the nice restaurants or the new fitness center, I would not know where to put this but this does not seem to be the location when we are trying to really improve that area.

2.) Ray Somich, 2941 Legend Lane

I have lived in the area off of Legend Lane for 30 years so I have seen the Shoppes of Willoughby Hills when it was at its peak and I have watched it deteriorate over the years. For those of you that know when I was on council for 12 years that was always one of my areas that I have really, really worked to try to help. In my conversations over the years, I believe that the number one reason why there is a perceived safety problem that still exists to this day is because of the dollar movie theater.

That dollar movie theater brought a lot of people outside of our community into that area and, as a result, a tremendous number of our Willoughby Hills residents, to this day, believe it is unsafe and won't shop there.

I believe this is worse, the plasma center, than the dollar theater because at least the people that came to the dollar theater spent a few dollars. People who will be attracted to the Plasma Center are looking to be paid. That's even worse than people who have a little bit of money.

We are very fortunate that we have a developer who is investing many, many millions of dollars into the center. They have an aggressive plan to bring in quality, high integrity businesses like the fitness center and many others are being worked on as we speak.

To allow Plasma Center to bring in 90% of people who can't afford to spend any money is not going to help us to attract good businesses into our City. It will not take our Willoughby Hills residents back down to that shopping center which is essential for any type of progress to be made there. I urge you, please. I do believe that there is a way we can take exception to it. Our Charter and Zoning Code allows for businesses to sell products and sell services. They don't necessarily allow for businesses to pay customers. It is the exact opposite of what we think of as being a business, I do believe that that alone is something we should look into to say that this is not the type of thing that we want. It is not going to allow us to bring the people into our community that can improve our community and have them spend money at our businesses.

3.) Linda Fulton, 2990 Marcum Blvd

I echo what Ray Somich and Mrs. Bing said. Is this the location near Marc's? That building? *Yes.*

When all this was brought up I read somewhere that there is supposed to be a plasma center that is in Wickliffe. I don't know where or whether it is true or not, but I say, 'let 'em go to Wickliffe'.

4.) Chris Welsh, 38801 Chardon Rd

As our neighbor said about the Plasma Center, I know we want something to go in at the Loehmann's Plaza. LaSalle furniture has been restructured for the last four years. The semi in the parking lot is a joke. If you open up for a Plasma Center, perhaps we need a check cashing place, 'Buy for Gold' and maybe some other shady stuff. It is just not going to generate any money for the City. Some people might say it is better than nothing but maybe nothing is better than this something.

5.) Laura Pizmoht, 2711 Dodd Rd.

I just want to add to that, I am concerned about strain on police and paramedics specifically. I think that is also something we should consider with this business.

6.) John Plecnik, 2890 Bishop

I have addressed this Commission several times on difficult issues as to what businesses or structures we should bring into this community and I always say the same thing. 'We are representatives. We should hear what the residents have to say and do our best to deliver what they want for their community because we all have to live with the choices we make and we are not called here to make our decisions, we are called here to make decisions on behalf of our neighbors'. I can tell you that as a Council person I have heard a lot of residents, even City employees who are very concerned with the idea that Loehmann's Plaza become Plasma Plaza. I think the people have spoken loud and clear. This is not a good fit for our City. It does not build up our plaza. It does not build up our reputation. I agree with Councilwoman Pizmoht. This would have a lot of negative externalities in terms of the work that our safety forces to do to accommodate the stress. Every time we bring a business into our community, there is an attendant cost. Usually the revenue outweighs that cost. I don't think this is one of those cases. It is not just my opinion. I think it is pretty clear from what the residents have shared with me and with you that this is not something that we need nor want in our community. It's just not the right fit for Willoughby Hills.

Public Portion closed at 7:47 P.M.

1.) Phoenix Cooke

Ken Janik

37630 Milann. – New House in a Floodway - PPN: 31-A-009-A-00-028-0

Plans received in Building Department 12/7/17

Plans reviewed by City Engineer 3/12/18

Present: Joe Meyers (Meyers Architects),

Dave Novak (Barrington Consulting, Civil Engineer and Surveyor),

Mike Menno (Hydrosphere Engineering– Hydraulic Analysis)

Zak Hill (fiancé of Phoenix Cooke)

City Engineer's Comments (DiFranco):

- We have been working with this applicant since November or December last year (2017). They have met all of our requirements, the biggest requirement being the Flood Study of the river and assuring that any new development will not raise the water elevation during a 100-year flood. They have shown that. Mr. Menno can explain more about it.

- I did also consult with the Chagrin River Watershed Partners. I provided their letter to the applicant. The Watershed Partners advised them that this is a flood-prone area to make them aware, as they proceed, that there is a risk
- They obtained approval from the Lake County Soil and Water District.
- They are required to comply with Flood Plain Development Permit which includes certifying that the house according to plan after construction.
- They must replace the row of trees on the south side of the house, as requested by that neighbor.

(Fiebig) Didn't they say they were not going to remove those trees? (Hill) *I believe the row you are talking about is not on my property.*

(DiFranco) Looking at their house footprint on the plan, it shows the neighbors only 5-10 feet off the property line. There would not be enough room for the trees. (Hill) *Looking at page 8, it shows a row of pine trees almost 1/3 into our property.* Yes, they will definitely need to be removed and then replaced after construction. Phoenix said the same thing on the phone. (Hill) *We have no problem with that.*

(DiFranco) Mr. Menno can talk about the Flood Plain.

Owner/Representative Comments:

(Menno) Currently the stretch or reach of the river has a detailed analysis that is part of FEMA's program. If you look at the current FEMA Flood Insurance Rate Map of this area, flood elevations are shown on the Chagrin River in close proximity to the structure. Based upon that, we obtained the FEMA data they used to develop a hydraulic model. We used that data and supplemented it with information from the engineer and the surveyor to include what would be going on with the proposed structure. We re-ran the hydraulic model with the proposed structure and the proposed septic system in place and compared the water surface elevations without the proposed structure and septic in place.

It was determined that the water surface elevations were about the same. A full set was given to Mr. DiFranco. A particular cross section looking through the river itself was passed around and explained. It showed the channel and the overbank areas. There is essentially no rise in the surface elevation caused by proposed structure and the proposed work done on this particular lot.

(Smith) You are also adding three catch basins with discharge into the river as well. Is that what is compensating for the hard structures on the site? *No, the catch basins themselves are having no effect what so ever. You are seeing a small conversion of potential energy into kinetic energy. That means with the structures in place, there is a small rise in flow velocity occurring at that section. The three catch basins would be more useful for more frequent events like a 1-year, 2-year or 5-year event. In a base flood, they would do nothing.* Do you think the catch basins will improve the runoff or will it stay the same? *It will basically stay the same.*

(Lillich) In this community, all downspouts discharge to splash blocks to slow the speed of runoff. During a rain storm, why have catch basins that would increase the speed of runoff to the river?

I did not do the design and layout of the lot. Perhaps there are low spots on the site itself. Without an inlet basin, water would pond there permanently. Before there was Chagrin Valley Watershed Partnership, there was the Advisory Council for the State of Ohio. Many years ago we started work with upstream communities putting in retention basins and retrofitting old retention basins for the purpose of slowing the speed of runoff to the river. Anecdotally, we are not seeing the height of the river since those communities did that. Willoughby Hills reaps the benefit of prevention done upstream. It is our responsibility not to add to that run-off at any time to the ditches or the river. Where does it discharge? The river bank is not stable; it is movable.

(Novak) On the 1st page, there is a note that says all the downspouts are to be 'splash blocked'. The purpose of the catch basins is to catch the surface water and take it to the river in a pipe in a controlled

manner. Regarding the outlet structure, I appreciate your concern about Mother Nature and the river bank. The burden would be on the owner to be aware and ready to maintain the design and structure.

(Lillich) That affirms my statement. The only thing we can control is the speed it gets to the river. That is my concern.

(DiFranco) I agree with Mr. Lillich. But from the property owner's perspective, they may not want the puddling.

(Lillich) Could the catch basin pipes discharge into a raingarden rather than into the river? It would be something for them to look into. There is a rain garden on Skyline Drive.

(Novak) The water would be filtered before it gets to the river.

(Fiebig) The Chagrin River Watershed Partners are a good resource.

MOTION: Councilman Fiebig moved to approve the plans for the New House in the Floodway at 37630 Milann as submitted with the conditions that the applicant completes the Flood Plain Permit process which requires certification by the architect and engineer, replace the row of spruce trees on the south edge of the property and also, but not mandatory, investigate a rain garden rather than discharging into the river.

Seconded by Mayor Weger.

Voice Vote: Ayes Unanimous.

Motion Passes: 5/0.

2.) J Scott Scheel

Bill Griffith

27543 Chardon Rd. – Preliminary Review for Change of Use and Building Addition

- PPN: 31-A-008-A-00-017-0

Plans received in Building Department 3/15/18

Plans reviewed by City Engineer 3/27/18

Present: Bob Orbitz (TDA thendesignarchitecture) and Bill Griffith (Project Manager)

Eric Rivchun (here on behalf of ownership. Ryan Rivchun (attorney for the owners)

City Engineer's Comments (DiFranco):

- We have been working with the applicant. They have addressed all of our Architectural comments.
- During review of the plans, we realized that the area behind Office Max is a very congested area with utility easements. There were several parcels including two or three landlocked parcels. The building is actually crossing property lines. They are in the process of preparing a plat to consolidate everything as well as address the utilities and easements in the rear of the property. Those are my remaining concerns.
- They would like to proceed with construction.
- Motion to approve the Change of Use from Retail to Fitness- requested by Engineer.
- Then the Board would have a couple options
 - Grant Preliminary Approval of this plan and they would come back for Final Approval of the plan, OR,
 - If the Board feels comfortable, issue a Contingent Approval that they address the remaining comments to the Engineer's satisfaction.

Owner/Representative Comments:

- We respectfully ask for approval. We would follow any other requirements the City Engineer has. In the past month, we have done this in good faith. Things came up. We did not know that the properties needed to be consolidated. It is being done right now.
- We have been working with Lake County for quite some time and with the City Engineer to get the Lot Consolidation done. We just need to have our Mylar plat done slightly differently so they can be executed by the City. That is in process and is pretty far along. The descriptions and map have already been pre-approved. We anticipate that being done and ready for filing within two to three weeks.

Board Comments:

(Fiebig) As I understand it, making a conditional approval as long as the concerns are addressed to our City Engineer's satisfaction prior to construction is what was recommended. Is that correct? *We could start the construction process*

(DiFranco) I would be comfortable starting construction of the interior. I am a little concerned about the gymnasium part.

(Fiebig) As far as changing from Retail to Fitness?

(DiFranco) No, changing from Retail to Fitness is something the Board needs to approve. I do not have an issue with that. My issue is just the gymnasium area. There are underground utilities and easements crossing the gymnasium footprint that need to be cleaned up. *We need to go to Lake County anyway for that process. That is all being cleaned up. We have pre-approval that it is being cleaned up. We would like to stay on the fast track with the construction process.* There is also a sanitary sewer from Sam's Club crossing that. Because Sam's Club is on a different parcel, it can't cross another footprint. So we need to either confirm that there is another sanitary connection for Sam's Club or that that existing one is going to be relocated around the footprint. *Are you speaking about the two clean-outs? We believe that was for something inside Sam's Club that was a deli which is no long a part of this, so it will be abandoned. Again, we will clean up all those items.* I need to know where the other sanitary connection for Sam's Club is located. How are the bathrooms served? It is illegal to have a building without a sanitary connection. *We will get that addressed. We can move forward with Lake County getting the interior drawings approved.*

MOTION: John Lillich moved to Change the Use from Retail to Fitness at 27543 Chardon Rd.
Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

MOTION: Councilman Fiebig moved for Preliminary Approval of the plans for 27543 Chardon Rd. conditional on satisfying the requirements of the City Engineer.
Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

3.) City of Willoughby Hills

Strategis, LLC

28895 W. Miller Rd – Time Extension of the Development Plan Approval for Cell Tower

- PPN: 31-A-025-0-00-003-0

Plans received in Building Department 3/20/18

Plans stamped reviewed by City Engineer 3/21/18

Present: Jesse Styles, representing TowerCo and Verizon

Owner/Representative Comments:

We are looking to try to sync up the Zoning approval of the Planning Commission. There was a lag time in our work with the City Engineer and Lake County on the permits and all the drawings approvals. So our Zoning Permit lagged many months after the Planning Commission's actions. We would just like to sync that up. The City Engineer and I discussed this. He recommended six months. I would, respectfully, ask for a 12-month extension from its current expiration which would sync it up pretty closely with the Zoning Permit and the Building Permit at Lake County. This project is tentatively scheduled for construction within the next 12 months so I shouldn't be back before you for another request.

City Engineer's Comments (DiFranco):

None

Board Comments:

(Fiebig) I see no issues. I am not aware of any issues with the property or the project. If there are any, I would like to hear them now.

(Lillich) We have been through this and down this road. I see no reason to go down it again.

MOTION: John Lillich moved to approve the request of the Time Extension of the Development Plan Approval for Cell Tower at 28895 W. Miller Rd. to 12 Months from the current expiration date.

Seconded by Councilman Fiebig.

Voice Vote: Ayes Unanimous.

Motion Passes: 5/0.

4.) Donaldson Properties, LTD

Foresite Group (David Norris)

28301 Chardon Rd – Preliminary Review for Similar Use of a Plasma Donation Center

- PPN: 31-A-008-0-00-012-0

Plans received in Building Department 3/13/18

Plans reviewed by City Engineer 3/20/18

Present: David Norris, Jennifer Wall and Jay Sori

City Engineer's Comments (DiFranco):

- Plasma Donation Center is not specifically listed in the Code.
- The applicant is requesting approval as a Similar Use to an Administrative Use which is permitted in this District. I reviewed the plans and the area.

- Parking for an office use is less than a retail use so I do not see an issue with parking. I did request that the applicant re-stripe the parking lot because the current stripes are faded and barely visible. They responded by letter saying that they would do that.
- Screening the dumpster was requested. They agreed to do that.
- Screening the roof top equipment was requested. They agreed to do that.
- Confirmation of the outdoor lighting was requested. According to the property owner, it is working and they have an electrician who maintains them.
- The proposed exterior building materials was requested. That was provided yesterday so the Board has not seen it. I would distribute in advance of when they come back for Final Review.
- Work with LaSalle Furniture was requested to remove the trailer and signage that is currently in the parking lot. They did provide a letter saying that the property owner would require LaSalle Furniture to remove those.

(Smith) We should all understand the timeline and process that the Board would go through should the Board decide to grant Preliminary approval today. Two weeks from today, we would hold a Public Hearing. After the Public Hearing, the applicant would be up for Final Approval. At that review, the applicant would present all the details that the Architectural Board and Planning Commission would require. With that, the applicant will explain the project and respond to any comments made earlier.

Owner/Representative Comments:

This is a proposed CSL Plasma. We would renovate and remodel an existing space on the interior. There would be very minor exterior renovations. We got a list of preliminary comments. At this time we have addressed them all and provided responses that we are willing to comply and meet all of his requests at this time.

Board Comments:

(Lillich) When reading this, I was amazed at the amount of people that came into some of your other centers. Not being familiar with this business, after reading this, the traffic is a lot more than I expected. This type of business also supplies a needed product. My personal belief is that we should move ahead and have a Public Hearing so everyone in the area will have an opportunity to say what they believe. Everything we have heard today was not positive. It is my opinion that other people should have some input if at all possible. In order to hear other arguments, we would need to give Preliminary Approval. It is up to the Board.

(DiFranco) Maybe the applicant can give us some information on financials, how many employees you would have, or what benefit there might be. *We will probably employ here a total of about 40 to 50 people. We have an economic impact of about 4.5 million dollars annually to the community with payroll, expenditures and donations.*

(Weger) How much does your average employee make? *That varies. Starting wage is rated across the country. It is based on the income and the economy in the area. It ranges from about \$10 per hour to \$12 to \$13 per hour. That is with full complete benefits, health care, dental, life insurance, education assistance plus tremendous excellent career advancement opportunities. Our company is growing rapidly across the country. We promote from within.*

(Weger) Do you just do blood work or are you in other medical fields? *We are solely in the collection of plasma. We are a wholly owned subsidiary of International Bio-Pharmaceutical company that manufactures therapies for our patients.*

(Fiebig) You did not explain your business model, but in doing reading on this, you actually are not a retail operation. You are more of an employment center. People do not sell their blood or their body parts. That is illegal. You are paying them for their time to extract and to return their red and white blood cells after extracting the plasma.

That is actually correct. It takes about 1200 donations for a year's supply of therapy for a patient of ours. It is about a 90 minute process. We find that a lot of people do it for altruistic reasons because one of their family members may be a hemophiliac or have an immune deficiency system. For a lot of people, 90 minutes is a long time. Donating blood is a lot shorter period of time. You are correct. We compensate them for their time.

So when we are looking at it from that perspective and looking at our Zoning Code, this isn't an area that is not addressed. I think it is important that we step back and look at that to make sure we are doing it correctly because that is not the intent that center was put up for which was retail, shopping, commerce. In that way you are talking about employing people. People are coming in to essentially work or work off some time and to get paid. To change to B-3 on Zoning which is office use, the intent of that when somebody goes to an office for eight hours and their car is parked there, we have a conundrum here. I read that as many as 200 are visiting in a day for six days a week? *That is correct. Once a business reaches maturity, we offer seven days a week.*

That is quite a bit of traffic and quite a bit of parking and ingress and egress. We would really need to step back and look before we were to allow a B-3 use. We better see, do we need to redefine and specify what this type of center is because it is an anomaly in what the intent was in our Zoning code. There are some particulars, things like how does that impact our EMS. For example, we do get a tremendous amount of calls to our senior apartment building and to the Cleveland Clinic which people are going there and dealing with some health issues.

In the process there might be some times when you would need our EMS to respond to a call there. *Traditionally we are a very minimal user of public services like that. Jennifer has worked for the company for 20 years and Center Manager for numerous years. For one center, EMS may be called twice a year. That usually is when a donor is feeling light headed and isn't recovering. We have nurses staff – registered and license practical nurses. We have a doctor that comes in weekly. They can actually treat them at the center with saline and usually pulls them right out of it.*

You have a doctor who comes in weekly? *He is our medical doctor. He spends a day or two reviewing records and some donors.* A nurse is there all the time? *Yes.* You mentioned a wage. I would think a nurse would get more than that. *Yes, they get much more than that.*

Trash receptacle and the disposal of waste? How you handle that is another factor. *All of our bio-hazard is packed up and shipped out with Stericycle. It is a national company that we have a contract with. We keep it in a locked bio-hazard room inside the premises. Only our employees have access to it. They pick up twice a week according to how much we accumulate during the week.*

(Fiebig) I do not know what size requirement you need for a waiting room. That is an area we can address. I know you need a certain number of beds and waiting area. *We have about 42 beds. All of our centers have an interior waiting area as well as exterior departure area as for a friend or relative to wait while the donor finishes the donation.*

(Fiebig) Is there anything in the Code where a certain amount of bed space or certain amount of waiting area is required?

(DiFranco) Not in the Zoning Code. There may be something in the Building Code.

(Smith) There is in the Building Code for medical facilities.

(Fiebig) Is this a medical facility? Usually at a medical facility, you pay. Here they are getting paid.

(Smith) Very good question.

(Fiebig) I have a question about the actual lease with them. Is there a conflict with another party in that building? Marc's and the furniture place are there. Do they have a lease that does not allow for this sort of thing? *No, as far as I know right now, there are no co-tenancy issues as far as our use with the adjacent tenants*

(Fiebig) Would any of the adjacent properties which abut it, like the Eddy Bike Shop, the restaurants or the Scheel property have something that impacts it? Not that you have anything to do with it. Those are some of my concerns. I wanted to hear from our applicant before moving forward. I still have a lot of questions.

(Lillich) I have questions, too. You are paying these people for their time while donating? *Correct. It is about a 90 minute process.* Do you send a W-2 at the end of the year? Do you withhold taxes or Social Security from what you pay the donor? *No, the individual donor is responsible for reporting that on the individual tax returns.*

(Weger) How often can a person give? Every day? *Up to twice a week.* How much do you pay? *It varies according to weight and how much plasma is actually withdrawn. On average, company-wide, it is about \$40-50 dollars.* So essentially someone could make over \$600 which requires you to produce a 1099 form? *As far as I know, we do not produce 1099 forms. That is up to the individual to report it as income.* That is okay under \$600 but if you have repeat customers at \$40-50 apiece, they could make \$600 in six weeks. That would make the company responsible for giving the information. *I am sure that this has been looked at extensively by our company. We have 19,000 employees. I am not involved in that decision. Normally a person can only do eight donations per month at \$50. It is only \$400.* But, annually? *Okay, I see what you are saying.* That is a huge concern because then they are working in our community and they would owe tax on that to our community. *I am not an accountant. I do not know about it.*

(Lillich) It seems there are a lot of questions that cannot be definitively answered.

(Kline) In doing some research, you tend to have the same people on a regular basis as donors. You don't generally have one person come in once and the never comes again. *Generally, no. You have to be a qualified donor to donate before your plasma can be released for manufacturing. We test all plasma. If someone comes in one time, we hold that plasma until they come in again then we can release it. What we seek in our business a qualified donor panel. We have had donors who have donated for 25 years. It is the same repeat people. New donors are minor percentage of our total donor panel. It takes about three years to build up what we call a mature center. Initially we will have a higher fall out rate. Donating plasma is not a right; it is a privilege. You have to pass the tests and stringent standards that we require. Initially when we open, people do not pass because of health or not a proven permanent resident.*

(Kline) What is plasma? What do you do with it? *Plasma is the liquid portion of the blood.* If a person drinks or take drugs, does that impact if they can come to you? *Each donor must consent to have drug testing. We screen for that. If someone appears to be high or under the influence of alcohol, they will definitely be turned away. We don't want someone in that condition in the center. It is dangerous to have that type person as donor.*

If they have a history, not necessarily when they come in that day, is their plasma still usable. *If they have history where they have recovered from alcoholism or drug addiction, there is a certain amount of time. Usually drug history, we cannot take because it is often injected and you definitely cannot donate with that. If they have been clean and sober from alcohol, the standard operating procedure (SOP) has time guidelines of when they would be allowed to donate. If someone is on something when they come into our business, we do turn them away. Sometimes the police need to be called.*

(Fiebig) I want to bring up the point of inspection. Do we need to look at it as the type of business that would require City inspection? I would want to take some time to study this further. I am not comfortable with approving this for the B-3 District. At this time, I would vote 'no'. I am willing to refer it to a subcommittee of Council or another group to further study and to look carefully at the Zoning Code to see how this fits it and how we are all set. Thank you for coming in.

(Lillich) I still have too many questions. Who would you suggest we refer the research to?

(Fiebig) I am open to suggestions. We could form a subcommittee of this body. It could be referred to Council where they could look at it like the Planning and Zoning Committee of Council to study the Zoning Code. Mayor, do you have a suggestion? You could look at it administratively. You could get with the Fire Chief and Police Chief.

(Lillich) I would make a motion that we postpone this until such time as we hear back from the Planning and Zoning Committee of Council.

(Weger) Maybe we can get the Accounting people involved. A person could earn \$4,800. If there are 300 people, it is a lot of money. *I would agree with you.* Self-reporting doesn't work. How much internet have you reported?

(Lillich) We do not want to jeopardize the City with the IRS. *I am sure there is an answer. It has probably been dealt with before.*

(Fiebig) I will second the motion.

MOTION: John Lillich moved to postpone approval pending City Council's Planning and Zoning Committee's review of the Similar Use of a Plasma Donation Center at 28301 Chardon Road
Seconded by Councilman Fiebig

Additional Discussion:

(Cihula) For general information of the Board, the B-3 is a high density, mix-use, commercial zoning district. The Similar Use provision is in our Code. This is a perfect example of why we have that provision. It is to accommodate for use that was not anticipated back in 2006 when the Code was adopted. I am not encouraging or discouraging the Board from approving this.

Voice Vote: Ayes Unanimous.

Motion Passes: 5/0.

(Smith) This project has been postponed until City Council has a chance to review. Then we will be back in contact with the applicants for when you can come back for Preliminary Review.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Fiebig)

None

BUILDING COMMISSIONER'S REPORT (DiFranco)

- Since our last meeting on March 1, 2018, some Minor Alterations were approved.
 - Cell Tower antenna upgrade at 35405 Chardon Rd.
 - Cell Tower antenna upgrade at 32701 White Rd.
 - Small Parking Lot addition at the Mary Rose Estates at 35253 Maple Grove.
 - Small Deck attached to the rear house at 2538 River Rd.

- A Rear Yard Fence at 2515 Maple Hill.
- Small Fence at 29951 Chardon Rd.
- Small 180 sq. ft. Shed at 35101 Glen Hill
- 192 sq. ft. Shed approved at 28351 Evergreen
- Change of Use was approved for 27297 Chardon Rd. It is a little out lot building by Giant Eagle, which is the former gown shop. Initially, they came to Planning Commission to put in an Internet Café. They found another user, a Child Day Care, which is a permitted use. That was approved administratively. They are changing that pretty quickly.
- Upcoming
 - Loreto Development is looking to construct a new office building at S.O.M. Center just south of Eddy.
 - A developer contact the Engineer. He is looking at small residential subdivision at the Maypine Farms property.
 - A new house at 38250 Rogers Rd. will be on the Agenda for the April 19th meeting.
 - Possibly a cell tower modification on the roof of the Pine Ridge Apts.

(Smith) The City Engineer is now supplying us with a great tabulation of zoning reviews and status of upcoming projects. Thank you very much. It is a job well done.

(Lillich) The Maypine Farms was here years ago. They developed a big property in Highland Hts. Did they indicate what they are looking at? (DiFranco) *They just called to make an appointment.*

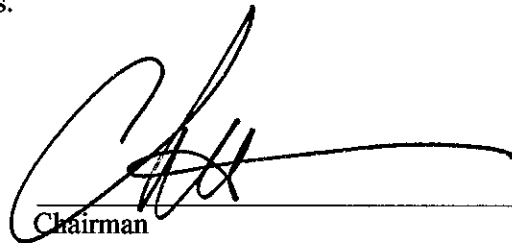
CHAIRMAN'S REPORT (Smith)

None

MOTION: Councilman Fiebig moved to adjourn the meeting.
Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0

Meeting Adjourned at 8:47 P.M.


Clerk


Chairman

19 April 2018
Date Approved